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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/823,331 | 03/30/2001 | LeRoy W. Tilt IV | P-24,723USA | 8815 |
| 7590 12/19/2005 | | | EXAMINER | |
| Theodore Naccarella Synnestvedt & Lechner 2600 Aramark Tower 1101 Market Street Philadelphia, PA 19107-2950 | | | NGUYEN, THANH T | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2144 | |
| DATE MAILED: 12/19/2005 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | | |
|------------------------------|------------------------|--|---------------------|--|
| Office Action Summary | Application No. | | Applicant(s) | |
| | 09/823,331 | | TILT ET AL. | |
| | Examiner | | Art Unit | |
| | Tammy T. Nguyen | | 2144 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE (3) MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |



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Detailed Office Action

1. In view of the Appeal Brief filed on February 3, 2005, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

2. Claims 1-9, 11-22 are presented for examination.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

Art Unit: 2144

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anders et al., (hereinafter Anders) U.S. Patent No. 6,269,403 in view of Krishnan et al., (hereinafter Krishnan) U.S. Patent No. 6,073,124.
5. In regards to claim 1, Anders teaches a method of serving a Web page to a requesting client, said Web page comprising code defining said page and including a plurality of supplemental files, said method comprising the steps of: parsing the code comprising the requested page to detect data within the code which said supplemental files are to be served (Col. 10, lines 1-16, 37-40, and 52-62) (stream configurator parses web page to identify references to objects and their locations within a page, display sequence information is supplied by the designer); constructing a queue indicating (Col. 11, lines 7-30) (this function is realized by the "Interleavor" that sequences (i.e., queues) objects for data stream generation); serving said code to said requesting client; serving said supplemental files to said client in said queue (Col. 12 lines 51-67 through Col. 13, lines 1-5) (After data stream generation, the data stream is transmitted to the client where it is unpacked according to previously established queue order). But Anders does not explicitly teach indicates an order. However, Krishnan teaches indicates an order (see col.3, line 45 – col.4, line 9). It would have been obvious to one of ordinary skill in the art at the time of the invention was made

to implement the teachings of Krishnan into the computer system of Anders to have indicates an order because it would have provided specific functions that comprehensible arrangement among the separate elements of a group.

6. In regards to claim 2, Anders teaches receiving a request for a Web page (Col. 6, lines 40-46); and obtaining said code defining said Web page responsive to said request. (Col. 6, lines 40-46) (Client submits a request for a web page and the server responds by transmitting base HTML object.).
7. In regards to claim 3, Anders teaches wherein said step of obtaining said Web page comprises retrieving said code defining said Web page from a memory. (Col. 7, lines 19-35 and Col. 15, lines 1-7) (HTML threads/processes retrieve data required to format web pages from storage devices (a memory.)).
8. In regards to claim 4, Anders teaches wherein said step of obtaining said Web page comprises building said code defining said Web page responsive to said request. (Col. 8, lines 59-66) (Server creates web page dynamically in response to a browser request.)
9. In regards to claim 5, Anders teaches receiving and detecting requests from said client machine for said supplemental files', and wherein said step of serving said supplemental files is performed after said receiving and detecting step. (Col. 6, lines 46-62) (After parsing the base HTML object the browser issues requests for graphics referenced in the base HTML object. The server responds by locating and preparing the requested objects for transfer.)

10. In regards to claim 6, Anders teaches wherein said step of serving said code defining said Web page is performed after said step of constructing said queue. (Col. 12 lines 51-67 through Col. 13, lines 1-5) (Code comprising the web page is transmitted by "Publisher" after constructing said queue. After data stream generation, the data stream is transmitted to the client where it is unpacked according to previously established queue order.)
11. In regards to claim 7, Anders teaches wherein said code defining said Web page comprises HTML code, said references to supplemental files comprise HTML tags, (Col. 11, line 7 - Col. 12 line 44). But Anders does not explicitly teach indicates an order. However, Krishnan teaches indicates an order (see col.3, line 45 – col.4, line 9). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to implement the teachings of Krishnan into the computer system of Anders to have indicates an order because it would have provided specific functions that comprehensible arrangement among the separate elements of a group.
12. In regards to claim 8, Anders teaches wherein data attributes are not recognizable by said client machine. (Col. 8, lines 1-6) (A client of the Anders invention does not understand the sequence attribute. Sequence attributes are embedded in "slammer format" of the Anders invention and require a helper application for proper recognition.). But Anders does not explicitly teach indicates an order. However, Krishnan teaches indicates an order (see col.3, line 45 – col.4, line 9). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to implement the teachings of Krishnan into the computer system of Anders to have

indicates an order because it would have provided specific functions that comprehensible arrangement among the separate elements of a group.

13. In regards to claim 9, Anders teaches a computer readable storage medium containing executable code for controlling a computer for rendering a Web page, said code comprising: first code at least partially defining said Web page, said code including a plurality of references to supplemental files containing content of said page (Col. 10, lines 1-16, 37-40, and 52-62) (stream configurator parses web page to identify references to objects and their locations); and second code which said supplemental files are to be rendered (Col. 11, line 7 - Col. 12 line 44), said second code is associated with each of said references and comprises an attribute of a tag associated with said supplemental file. (Col. 11, line 7 - Col. 12 line 44). But Anders does not explicitly teach indicates an order. However, Krishnan teaches indicates an order (see col.3, line 45 – col.4, line 9). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to implement the teachings of Krishnan into the computer system of Anders to have indicates an order because it would have provided specific functions that comprehensible arrangement among the separate elements of a group.
14. In regards to claim 11, Anders teaches wherein said second code associated with each of said references comprises an attribute of an HTML tag for which another of said tag's attributes is said reference to a supplemental file. (Col. 11, line 7 - Col. 12 line 44).

15. In regards to claim 12, Anders teaches a computer program product embodied on computer readable media readable by a computing device, said product for serving Web pages to a requesting client machine, wherein at least one of said Web pages contains a plurality of references to supplemental files comprising content of said Web page, said references including order data indicating an order in which said supplemental files are to be served relative to said other supplemental files contained in said page, said product comprising: first computer readable program code for receiving requests for said Web pages (Col. 6, lines 40-46); second computer readable program code for obtaining code defining said requested Web pages responsive to said requests, said code defining said Web pages (Col. 6, lines 40-46); third computer readable program code for parsing said code defining a Web page to detect said order data (Col. 10, lines 1-16, 37-40, and 52-62); fourth computer readable program code for constructing a queue in a memory (Col. 11, lines 7-30); said queue comprising a list of said supplemental files (Col. 11, lines 7-30); fifth computer readable program code for serving said code defining said page to said requesting client machine (Col. 12, lines 51-67 through Col. 13, lines 1-5); sixth computer readable program code for serving said supplemental files to said requesting client machine in queue (Col. 12, lines 51-67 through Col. 13, lines 1-5). But Anders does not explicitly teach indicates an order. However, Krishnan teaches indicates an order (see col.3, line 45 – col.4, line 9). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to implement the teachings of Krishnan into the computer system of Anders to have indicates an order because it

- would have provided specific functions that comprehensible arrangement among the separate elements of a group.
16. In regards to claim 13, Anders teaches wherein said second computer readable program code comprises code for retrieving said code defining said Web page from a storage medium. (Col.7, lines 19-35, and Col. 15, lines 1-7).
 17. In regards to claim 14, Anders teaches wherein said second computer readable program code comprises code for building said code defining said Web page responsive to receipt of said request for said Web page. (Col. 8, lines 59-66).
 18. In regards to claim 15, Anders teaches seventh computer readable program code for receiving and detecting requests from said client machine for said supplemental files (Col. 6, lines 46-62) and wherein said sixth computer readable program code operates after said seventh computer readable program code detects said request for at least one of said supplemental files. (Col. 6, lines 46-62).
 19. In regards to claim 16, Anders teaches wherein said fifth computer readable program code operates after said fourth computer readable program code constructs said queue. (Col. 12, lines 51-67 through Col. 13, lines 1-5).
 20. In regards to claim 17, Anders teaches wherein: said code defining said Web page comprises HTML code (Col. 11, line 7 - Col. 12 line 44). said references to supplemental files comprise HTML tags (Col. 11, line 7 - Col. 12 line 44)', and said data comprises attributes of said tags (Col. 11 , line 7 - Col. 12 line 44). But Anders does not explicitly teach indicates an order. However, Krishnan teaches indicates an order (see col.3, line 45 – col.4, line 9). It would have been obvious to one of

ordinary skill in the art at the time of the invention was made to implement the teachings of Krishnan into the computer system of Anders to have indicates an order because it would have provided specific functions that comprehensible arrangement among the separate elements of a group.

21. In regards to claim 18, Anders teaches wherein said order data attributes are not recognizable by said client machine. (Col. 8, lines 1-6).
22. In regards to claim 19, Anders teaches a system for serving Web pages to a requesting client machine, at least one of said Web pages containing a plurality of references to supplemental files comprising content of said Web page, said page including order data indicating an order in which said supplemental files are to be served relative to said other supplemental files contained in said page, the system comprising: a computer including memory, and a processor, the memory being accessible by the processor and storing computer-readable programming including (Col. 7, lines 19-35 and Col. 15, lines 1-7); first computer readable program code for receiving requests for said Web pages (Col. 6, lines 40-46); second computer readable program code for obtaining code defining said requested Web pages, said code defining said Web pages (Col. 6, lines 40-46); third computer readable program code for parsing said code defining a Web page to detect data (Col. 10, lines 1-16, 37-44, and 52-62); fourth computer readable program code for constructing a queue in a memory, said queue comprising a list of said supplemental files (Col. 11, lines 7-30); fifth computer readable program code for serving said code defining said page to said requesting client machine (Col. 12, line 51 - Col. 13, line 5); sixth computer readable

program code for serving said supplemental files to said requesting client machine in said queue (Col. 12, line 51 - Col. 13, line 5). But Anders does not explicitly teach indicates an order. However, Krishnan teaches indicates an order (see col.3, line 45 – col.4, line 9). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to implement the teachings of Krishnan into the computer system of Anders to have indicates an order because it would have provided specific functions that comprehensible arrangement among the separate elements of a group.

23. In regards to claim 20, Anders teaches wherein said fifth computer readable program code operates after said fourth computer readable program code constructs said queue. (Col. 12, line 51 - Col. 13, line 5).
24. In regards to claim 21, Anders teaches wherein: said code defining said Web page comprises HTML code; said references to supplemental files comprises HTML tags; and data comprises attributes of said tags. (Col. 11, line 7- Col. 12, line 44). But Anders does not explicitly teach indicates an order. However, Krishnan teaches indicates an order (see col.3, line 45 – col.4, line 9). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to implement the teachings of Krishnan into the computer system of Anders to have indicates an order because it would have provided specific functions that comprehensible arrangement among the separate elements of a group.
25. In regards to claim 22, Anders teaches wherein said order data attributes are not recognizable by said client machine. (Col. 8 lines 1-6).


Conclusion

26. Any inquiries concerning this communication or earlier communications from the examiner should be directed to **Tammy T. Nguyen** who may be reached via telephone at **(571) 272-3929**. The examiner can normally be reached Monday through Friday between 8:00 a.m. and 5:00 p.m. eastern standard time.

If you need to send the Examiner, a facsimile transmission regarding this instant application, please send it to **(703) 872-9306**. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's Supervisor, David Wiley, may be reached at **(571) 272-3923**.

TTN

November 23, 2005


DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100